IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 20003 of 2007(F)

PETITIONER:

DR.K.VASANTHA KUMAR,
ASSOCIATE PROFESSOR (HORTICULTURE),
DEPARTMENT OF PROCESSING - TECHNOLOGY,
COLLEGE OF AGRICULTURE, VELLAYANI,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.RAVIKUMAR

RESPONDENTS:

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1. THE EXECUTIVE COMMITTEE REPRESENTED BY ITS CHAIRMAN, THE VICE CHANCELLOR, KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA, TRICHUR.

2. KERALA AGRICULTURAL UNIVERSITY, MANNUTHY, REPRESENTED BY IT'S REGISTRAR.

3. ESTABLISHMENT COMMITTEE OF KERALA AGRICULTURAL UNIVERSITY REPRESENTED BY ITS CONVENOR.

BY ADV. SRI.RENJITH THAMPAN,SC,KERALA AGRL.UTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.20003 OF 2007

Dated this the 6th day of August, 2007

JUDGMENT

Petitioner was working as Associate Professor in the Department of Processing Technology in Agricultural College, Thiruvananthapuram, at the time when this writ petition was filed. Learned counsel submits that petitioner has since been promoted as Professor in the same department.

2. It appears that in the year 1995, certain charges were levelled against the petitioner while he was working as Associate Professor and Head of Farming Systems Research Station at Sadanandapuram. The allegation against him was that there were irregularities in the purchase and sale of seedlings and planting materials from private nurseries. Anyhow, admittedly petitioner was placed under suspension with effect from April 12, 1996 till December 1, 1996. It is also on record that a vigilance inspection was ordered against the petitioner and some other officers involved in the case referred to above. It is the contention of the petitioner that the Enquiry Commissioner and

Special Judge, Thiruvananthapuram had closed the vigilance case as mistake of fact accepting the report of the enquiry officer. Ext.P1 is the report of the officer and Ext.P2 is the order passed by the Enquiry Commissioner and the Special Judge.

3. It is further contended by the petitioner that the University had issued Ext.P3 order on July 2, 2005 adopting the report of the Executive Committee to finalise the disciplinary action initiated against the petitioner by imposing a penalty of Censure. Ext.P3 is stated to be the said order passed by the University. But the grievance of the petitioner is that the period of suspension of the petitioner has not been regularized. He contends that the inaction on the part of the University is totally unjustified. He had submitted Ext.P5 representation before the University with a request to treat the period of suspension as duty and to re-fix his pay and allowances in terms of 1996 UGC pay scales.

4. This writ petition has been filed in the above facts and circumstances, primarily with a prayer to issue a direction to regularize the period of suspension and to revise the pay and

allowances as indicated above.

5. In the counter affidavit filed by the Registrar, it is averred that the decision of the Executive Committee referred to in Ext.P3 was taken after consideration of the recommendation of the Legal Monitoring Committee and also the reports of the departmental enquiry officer and the vigilance. It is further averred that vigilance case against the petitioner had been closed. The report of the departmental enquiry officer had been accepted by the Executive Committee. It is true that the Executive Committee took a lenient view in this regard and decided to impose penalty of Censure which does not mean that the petitioner had been exonerated. The Executive Committee in its 439th meeting held on April 28, 2007 has referred the case to the Establishment Committee to study the issue in detail and to recommend further action to be taken with regard to the "misrepresentation of the fact in the report of Vigilance". Reference has been made by the Registrar to some of the observations in the vigilance report indicating that there was serious lapse on the part of the petitioner in complying with the

procedure envisaged by the Stores Purchase Manual and that he had failed to obtain sanction from the higher authority. The Registrar has got a further contention that the Vigilance report was based on incorrect understanding of facts and even the vigilance report did not exonerate the petitioner completely of the charges levelled against him. It is asserted by the Registrar that there was in fact a finding of serious lapse on the part of the petitioner. The vigilance case was closed on the wrong assumption that the University had already imposed punishment.

6. Anyhow, I do not propose to deal with this issue any further at this stage in view of the submissions made by the learned Standing Counsel for the University. He submits that the entire proceedings against the petitioner can be completed within two months from today and a final decision will be taken within that time. In that view of the matter the writ petition is closed recording the above submission.

7. The University shall ensure that the proceedings, if any, pending against the petitioner are completed within two months

from today. It must further be ensured that the petitioner is given sufficient opportunity to be heard, if any orders adverse to him are proposed to be passed.

Writ petition is closed.

A.K.BASHEER, JUDGE

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